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IN THE UNITED STATES DISTRICT COURT,
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

JACQUELINE ACOSTA-ESTRADA,

Plaintiff,

v.

UNITED STATES,

Defendant.

COMPLAINT

Case No. 2:22-cv-00554-DAO

Judge:

Magistrate: Daphne A. Oberg

COMES NOW Jacqueline Acosta-Estrada (“Plaintiff”), by and through her counsel of record, Caleb Bertch, and complains of the United States (“Defendant”), as follows:

PARTIES

1. Plaintiff Jacqueline Acosta-Estrada is a resident of Salt Lake County, Utah.
2. Defendant is the United States and subject to suit in Salt Lake County, Utah.

VENUE/JURISDICTION

3. The acts, events, or transactions complained of occurred in Salt Lake County, Utah, thereby establishing that venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

4. This court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1334(b)(1) and 28 U.S.C. §§ 2671-2680 for harms caused by Joseph Robert Arnold against Plaintiff while acting in the course and scope of his employment on May 26, 2020.

ADMINISTRATIVE COMPLIANCE

5. On January 27, 2022 Defendant was presented a claim pursuant to 39 C.F.R. §§ 912.1-912.14.
6. Defendant failed to make a final disposition of that claim within six (6) months and thus, at Plaintiff's option hereto, is deemed a final denial pursuant to 28 U.S.C. § 2675(a).

FACTS

7. On May 26, 2020 Joseph Robert Arnold was an employee of the United States Postal Service, whom Defendant is ultimately liable for.
8. At all times material hereto Joseph Robert Arnold was in the course and scope of his employment.
9. At all times material hereto Joseph Robert Arnold was operating a mail truck owned and registered to the United States Postal Service.
10. At all times material hereto Joseph Robert Arnold had the express or implied permission to operate that mail truck.
11. On May 26, 2020 Joseph Robert Arnold approached the approximate intersection of 4715 South 4015 West, Salt Lake City, UT 84129.
12. At that time, Plaintiff was positioned on the corner of that intersection preparing to cross from the southwest corner to the northwest corner.

13. As Plaintiff began to cross the intersection Joseph Robert Arnold collided with her and knocked her to the ground.
14. Plaintiff was injured as a result.

COUNT ONE
(Negligence)

15. At all times material hereto, Joseph Robert Arnold owed Plaintiff and other persons a duty of reasonable care in the operation of his vehicle.
16. Joseph Robert Arnold breached that duty by, among other things:
 - a. failing to keep a proper lookout;
 - b. failing to maintain a safe traveling distance;
 - c. failing to operate his vehicle at a safe and reasonable speed;
 - d. failing to keep control of his vehicle;
 - e. failing to avoid hitting Plaintiff as she crossed the intersection; and
 - f. other acts of negligence.
17. As a direct and proximate cause of these breaches of duty, Plaintiff suffered injury and damages as follows:
 - a. physical injury to her right knee resulting in knee replacement;
 - b. physical injury to her upper, mid, and low back;
 - c. physical injury to her hips bilaterally;
 - d. physical bilateral injury accelerating her congenital multiple epiphyseal dysplasia and resultant gait changes;
 - e. physical injury to her right shoulder;

f. other injury to her body.

PRAYER FOR RELIEF

Having complained of Defendants, Plaintiff prays for relief as follows:

- a. For special damages, exceeding \$15,000.00 in an amount to be determined by the finder of fact;
- b. For general damages, in an amount to be determined by the finder of fact;
- c. For pre-judgment interest, post-judgment interest, and such other relief as may be just and equitable.

DATED this 31st day of August, 2022.

BERTCH ASSOCIATES

/s/Caleb Bertch
Caleb Bertch
Attorney for Plaintiff